

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS  
ANTITRUST LITIGATION

Case No. 3:10-md-02143-RS  
MDL No. 2143

Individual Case No. 3:13-cv-04991-RS

This document relates to:

*Acer Inc., et al. v. Lite-On IT Corp., et al.*;  
Case No. Case No. 3:13-cv-04991-RS

~~PROPOSED~~ ORDER REGARDING  
DISMISSAL OF NEC CORPORATION  
BY ACER AMERICA CORPORATION,  
GATEWAY, INC. AND GATEWAY U.S.  
RETAIL F/K/A EMACHINES, INC.

1 **~~PROPOSED~~ ORDER**

2 The Court, having considered the stipulation of the parties, and good cause appearing  
3 therefor, orders as follows:

4 1. All claims asserted by Plaintiffs Acer America Corporation, Gateway, Inc., and  
5 Gateway U.S. Retail, Inc. f/k/a eMachines, Inc. (collectively, "Acer") against Defendant NEC  
6 Corporation ("NEC") in the above-captioned actions are hereby dismissed with prejudice  
7 pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

8 2. Each party shall bear their own costs, expenses, and attorneys' fees.

9 3. NEC's summary judgment motion filed against Acer (MDL Docket No. 2329;  
10 Individual Docket No. 87) on June 30, 2017 is withdrawn as to Acer only.

11  
12  
13 **IT IS SO ORDERED.**

14  
15 DATED: 9/7/17

16   
17 \_\_\_\_\_  
18 HONORABLE RICHARD G. SEEBORG  
19 United States District Judge  
20  
21  
22  
23  
24  
25  
26  
27  
28